

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

v.

Plaintiff,

JOHN J. BRAVATA, RICHARD J.
TRABULSY, ANTONIO BRAVATA,
BBC EQUITIES, LLC AND BRAVATA
FINANCIAL GROUP, LLC

Defendants,

and

SHARI A. BRAVATA,

Relief Defendant.

CIVIL ACTION NO.: 2:09-cv-12950-
DML-VMM

NOTICE TO THE COURT OF RETURN OF
INDICTMENT AGAINST COUNSEL ON
BEHALF OF THE BRAVATA DEFENDANTS

NOW COMES Gregory Bartko, Esq., of the Law Office of Gregory Bartko, LLC, and on his own behalf, hereby provides this Notice to the Court of a Return of Indictment Against Counsel on Behalf of the Bravata Defendants. In brief, and

The Securities Regulation Law Firm™
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1 without waiving any and all rights held by the undersigned counsel, the
2
3 following Notice is hereby given:

4 1. On November 20, 2009, counsel for the Bravata Defendants received
5
6 an email from Senior Trial Counsel, James G. Lundy, a complete copy of which is
7
8 attached to this Notice as Exhibit "A." Mr. Lundy is one of three SEC
9
10 enforcement lawyers that have made an appearance in this case.

11 2. Exhibit "A" includes a "link" which directs the recipient of the email
12
13 to a press release issued by the United States Attorney's Office for the Eastern
14
15 District of North Carolina with respect to the return of a joint Indictment
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17 unsealed on November 18, 2009 naming the undersigned counsel as a defendant
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19 as well as a former business partner of the undersigned counsel. Exhibit "B" to
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21 this Notice is a copy of the referenced press release.

22 3. Mr. Lundy's email of November 20, 2009 was apparently
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24 disseminated to all counsel that have appeared in this case.

25 4. Mr. Lundy, on behalf of the Plaintiff, U.S. Securities and Exchange
26
27 Commission, indicates in Exhibit "A" that the undersigned had a duty to notify
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29 the Court of the return of the Indictment relative to criminal charges that have no
30
31 bearing, relationship or connection with the case at bar. SEC counsel implied in
32

1 Exhibit "A" that if notice of the return of the Indictment against the undersigned
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3 counsel was not timely made to this Court – the SEC would then take it upon
4
5 itself to notify the Court as well as possibly the Bravata Defendants.

6 5. Upon review of this Court's Local Rules and the Michigan Code of
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8 Professional Responsibility, an affirmative duty to advise this Court as well as
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10 any bar association or disciplinary body thereof of the initiation of criminal
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12 charges against an attorney, ripens upon a conviction of any crime – not upon
13
14 the charges themselves.

15 6. However, in the spirit of full candor to the Court, Notice is hereby
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17 given of the facts contained in the attached Exhibit "B," the Government's
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19 November 18, 2009 press release.

20 7. After discussing the matters asserted in the Indictment with
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22 Defendant, John J. Bravata, no objection was raised by the Bravata Defendants to
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24 the undersigned continuing as counsel in this action.

25 8. A considerable aspect of the law practice the undersigned is
26
27 engaged in relates to the defense of SEC civil enforcement actions in a number of
28
29 Federal District Courts in several states, including Georgia, Florida, Connecticut,
30
31 and Michigan as well as before the 11th Circuit Court of Appeals.

1 7. Although Mr. Lundy's motives in sending his email of November
2
3 20, 2009 to the undersigned are unclear, the Court should be notified of the
4 information set forth herein.
5

6 8. Accordingly, the undersigned counsel hereby provides this Notice
7
8 and stands ready and willing to provide any other non-privileged information
9 the Court may request in connection with Exhibit "A" or Exhibit "B" attached to
10 this Notice.
11

12 Dated this 24th day of November, 2009.
13

14 Respectfully Submitted,
15

16
17 By: /s/ Gregory Bartko
18 **Law Office of Gregory Bartko, LLC**
19 Gregory Bartko, Esq.
20 Michigan Bar No. P30052
21 *Counsel for Bravata Defendants*
22 3475 Lenox Road, Suite 400
23 Atlanta, GA 30326
24 Telephone: (404) 238-0550
25 Facsimile: (866) 342-4092
26 gbartko@securitieslawcounsel.com
27
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29
30

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**U.S. SECURITIES AND
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Defendants,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE
TO THE COURT OF RETURN OF INDICTMENT AGAINST COUNSEL ON
BEHALF OF THE BRAVATA DEFENDANTS was filed electronically this 24th
day of November, 2009 with the Clerk of the Court using CM/ECF. I also certify

The Securities Regulation Law Firm"
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1 that the foregoing document is being served this day on all counsel of record and
2
3 any *pro se* parties identified on the attached Service List via e-mail and U.S. mail,
4
5 either via transmission of Notices of Electronic Filing generated by CM/ECF or
6
7 via U.S. mail to those parties that have formally appeared of record but are who
8
9 are not authorized to receive electronic Notices of Electronic Filing.

10
11
12 Respectfully Submitted,

13 By: /s/ Gregory Bartko
14 **Law Office of Gregory Bartko, LLC**
15 Gregory Bartko, Esq.
16 *Counsel for Bravata Defendants*
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